



# Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271  
<http://dnr.state.il.us>

Pat Quinn, Governor  
Marc Miller, Director

June 17, 2013

Ms. Kim Scharlow  
Zoning Coordinator  
McHenry County Dept. of Planning & Development  
2200 Seminary Avenue  
Woodstock, IL 60098

**Re: Hong Conditional Use Variation – Expansion of Pumpkin Patch and Various Activities  
Endangered Species Consultation Program  
Project Number(s): 1313357  
County: McHenry**

Dear Ms. Scharlow:

The Department received a submission from the county, via the Department's Ecological Compliance Assessment Tool (EcoCAT) website, regarding this project in Section 25, Township 44 North, Range 6 East for consultation in accordance with the *Illinois Endangered Species Protection Act* [520 ILCS 10/11], the *Illinois Natural Areas Preservation Act* [525 ILCS 30/17], and Title 17 *Illinois Administrative Code* Part 1075.

The project is located just north of State Road 176 and east of Gee Road. This project is a 35 acre expansion of a previous project submitted for consultation, 1108300; the new project is asking for several new uses and structures, including a pumpkin barn, jumping pillows, observation decks, picnic/play area buildings, playground equipment and additions to existing metal clad buildings.

The project is located in the vicinity of a record of the State-listed threatened plant, **Pale Vetchling**, *Lathyrus ochroleucus* and records of the State-listed endangered **Blanding's Turtle**, *Emydoidea blandingii*. Recent turtle records exist southeast of the project site, within the Pleasant Valley Illinois Natural Area Inventory Site. This species inhabits a variety of wetlands, wetland complexes, and upland habitats, therefore, these turtles will attempt to travel across the landscape in search of upland nesting sites and again, on their way back to wetlands. Juvenile turtles will also traverse the landscape after hatching in the fall, in search of wetland areas.

The Department has completed its review of the project and determined that the action may have an adverse impact on Blanding's Turtles - especially during various activities held throughout the year. To minimize potential impacts, the Department recommends the following measures be implemented by the developer and incorporated in McHenry County's project authorization.

### **Blanding's Turtles**

*Recommendation 1.* Construction crews and on-site personnel/staff involved in the project should be educated and informed about Blanding's Turtles before work begins. Photos of both adult and juvenile Blanding's turtles should be distributed, a site management plan for responding to potential encounters be developed, and the plan should be discussed in a training session and at a preconstruction site meeting. Staff should be educated about this species in the event any are encountered once work is complete.

*Recommendation 2.* Mowing regimes for a site such as this present an added risk of injury or death to turtles as they travel to and from wetlands during spring, summer, and fall. Staff that will be mowing should also be educated about the species, be aware that they may be present from March to November, and be instructed on what to do if any Blanding's Turtles are injured or encountered.

*Recommendation 3.* If a turtle is encountered on or near the project footprint, personnel should be instructed to immediately stop construction, or activities, in the surrounding area and contact Sara Denham at the McHenry County Conservation District (815/728-8307) and the Department's Heritage Biologist (Brad Semel, 630/399-3242) *keeping in mind it is a criminal act to handle a listed species*. Personnel on site should watch the turtle until the proper authority arrives to alleviate the situation, keeping at a respectable distance.

If a Blanding's Turtle is encountered, Incidental Take Authorization from the Department's Office of Resource Conservation may likely be recommended, which would result in a Conservation Management Plan for the species.

*Recommendation 4.* The project area could contain an unknown nesting site or more likely, the route to a nesting site. Therefore, potential harm to transiting turtles is a concern. The Department recommends limiting construction to between October 31 and mid March, when this species is hibernating, to prevent construction activities from crushing or injuring juvenile or adult turtles.

*Recommendation 5.* If construction cannot be limited to the recommended time frame, exclusionary fencing should be installed and in place around the work zone, from the beginning of March and remain until the end of October, to prevent turtles from entering the construction areas. Daily inspections of both sides of the fence should occur for the first two weeks and then be maintained weekly throughout the construction period to ensure the exclusionary fencing has been properly installed (dug into the ground) and to check if any turtles are present on either side of the fence.

*Recommendation 6.* Trenches or excavations dug as a result of this project be covered at the end of each work day. Before starting each work day, trenches and excavations should be routinely inspected to ensure no turtles have become trapped within them.

Consultation on the part of the Department is completed. **In accordance with 17 Ill. Adm. Code 1075.40(h), McHenry County must notify the Department of its decision regarding these recommendations, whether they will:**

- Allow the action to proceed as originally planned;
- Require the action to be modified per Department recommendations (please specify which measures if not all will be required); or
- Forgo the action.

This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resources review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected species are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this consultation review.

Cordially,

A handwritten signature in cursive script that reads "Kathi Davis".

Kathi Davis  
Division of Ecosystems and Environment  
Impact Assessment Section  
Office of Realty & Environmental Planning  
217-785-5500

enclosure

cc: Brad Semel, IDNR/Region II/Natural Heritage  
Dennis Sandquist, McHenry County Dept of Planning and Development  
Elizabeth Kessler, McHenry County Conservation District  
Sara Denham, McHenry County Conservation District  
Cindy Skrukud, McHenry County Defenders/1075.70  
Lisa Haderlein, The Land Conservancy of McHenry County/1075.70